

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 633**

Introduced by Schrock, 38

Read first time January 22, 2003

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to the Livestock Waste Management Act; to amend
- 2 sections 54-2406 to 54-2408, Revised Statutes Supplement,
- 3 2002; to change provisions relating to fees; and to
- 4 repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1               Section 1. Section 54-2406, Revised Statutes Supplement,  
2   2002, is amended to read:

3               54-2406. (1) Any person owning or operating a livestock  
4   operation that does not hold a permit, has not been notified by the  
5   department that no permit is required, or is not exempt under  
6   section 54-2403 shall, on forms prescribed by the department,  
7   request the department to inspect such person's livestock operation  
8   to determine if a livestock waste control facility is required. If  
9   an inspection is requested prior to January 1, 1999, an inspection  
10   fee for such inspection shall not be assessed. For inspections  
11   requested on or after January 1, 1999, there shall be an inspection  
12   fee of fifty dollars for a class I livestock waste control  
13   facility, two hundred dollars for a ~~ex~~ class II livestock waste  
14   control facility, and an inspection fee of five hundred dollars for  
15   a class III livestock waste control facility, and one thousand  
16   dollars for a ~~ex~~ class IV livestock waste control facility. A  
17   person who requests an inspection prior to January 1, 2000, shall  
18   not be determined by the department to be in violation of the  
19   permitting provisions of the Livestock Waste Management Act prior  
20   to issuance or denial of a permit for such livestock waste control  
21   facility. However, the person shall not violate any provisions of  
22   the Environmental Protection Act. Any exempt livestock operation  
23   that has requested an inspection shall have such inspection  
24   canceled by the department.

25              (2) The department shall, in conjunction with natural  
26   resources districts and the Cooperative Extension Service of the  
27   University of Nebraska, publicize information to make owners and  
28   operators of affected livestock operations aware of the need to

1 request an inspection.

2 (3) Any person required to request an inspection under  
3 this section who operates a livestock operation after January 1,  
4 2000, except an exempt livestock operation, without first  
5 submitting the request for inspection required under this section  
6 shall be assessed, except for good cause shown, a late fee of not  
7 less than fifty dollars nor more than five hundred dollars for each  
8 offense. Each month a violation continues shall constitute a  
9 separate offense.

10 Sec. 2. Section 54-2407, Revised Statutes Supplement,  
11 2002, is amended to read:

12 54-2407. (1) A permit issued under section 54-2404 shall  
13 be valid as long as the livestock operation continues to operate.  
14 Any livestock waste control facility meeting the requirements of  
15 subsection (1) of section 54-2403 may continue to operate as long  
16 as such requirements are met. The department may modify any permit  
17 during its term in the event rules and regulations adopted under  
18 the Livestock Waste Management Act change in such a manner as to  
19 affect provisions in the permit. The department may require the  
20 permitholder to furnish such information as is necessary to  
21 determine compliance with current rules and regulations.

22 (2) The department, in modifying permits under this  
23 section, shall include conditions in the permit which will allow a  
24 reasonable period of time of up to one year to achieve compliance  
25 with the rules and regulations and the act. Modifications shall be  
26 done in accordance with section 81-1507 and pursuant to rules and  
27 regulations as adopted under section 54-2413.

28 (3) Any person holding a permit for a livestock waste

1 control facility issued under section 54-2404 shall notify the  
2 department of a change of ownership and other information as  
3 prescribed by the department for purposes of review under section  
4 54-2409.

5 (4) Any person holding a permit for a livestock waste  
6 control facility issued under section 54-2404 shall remit an  
7 operating fee of one hundred dollars for a class I or class II  
8 permit and three hundred dollars for a class III or class IV permit  
9 to the department prior to June 30, 2004. Thereafter, operating  
10 fees shall be remitted as follows: Class IV facilities shall  
11 require such permit fee yearly, class III facilities every second  
12 year, class II facilities every third year, and class IV facilities  
13 every fifth year. The fee shall be paid on or before June 30 of  
14 the year due.

15 Sec. 3. Section 54-2408, Revised Statutes Supplement,  
16 2002, is amended to read:

17 54-2408. (1) (a) Any person required to obtain a permit  
18 for a livestock waste control facility under section 54-2404 shall  
19 file an application with the department in the manner established  
20 by the department. The application fees shall be ~~three~~ five  
21 hundred dollars for a class I livestock waste control facility,  
22 ~~eight~~ fifteen hundred dollars for a class II livestock waste  
23 control facility, ~~one thousand five hundred~~ three thousand dollars  
24 for a class III livestock waste control facility, and ~~five~~ ten  
25 thousand dollars for a class IV livestock waste control facility.

26 (b) For permit modifications the fee shall equal the  
27 amount of the application fee for the class of the proposed  
28 modification minus the application fee for the size and

1 corresponding class of the facility permitted at the time the  
2 modification is requested. If the permit modification will result  
3 in a lower class designation, there shall be no fee.

4 (c) Any modification of a construction permit which does  
5 not cause the permitted livestock operation to change class and  
6 which reconfigures the livestock waste control facility shall  
7 require submittal of a modification fee of thirty percent of the  
8 application fee for the facility class.

9 (d) Any modification of an operating permit which does  
10 not cause the permitted livestock operation to change class and  
11 which would individually or cumulatively increase the animal unit  
12 capacity by more than thirty percent shall require submittal of a  
13 modification fee of thirty percent of the application fee for the  
14 facility class.

15 (2) All fees collected under this section and section  
16 54-2406 shall be remitted to the State Treasurer for credit to the  
17 Livestock Waste Management Cash Fund which is created for the  
18 purposes described in the Livestock Waste Management Act. Any  
19 money in the fund available for investment shall be invested by the  
20 state investment officer pursuant to the Nebraska Capital Expansion  
21 Act and the Nebraska State Funds Investment Act.

22 (3) On or before January 1 of each year, the department  
23 shall submit a report to the Legislature in sufficient detail to  
24 document all direct and indirect costs incurred in the previous  
25 fiscal year in carrying out the Livestock Waste Management Act,  
26 including the number of inspections conducted for each class of  
27 livestock waste control facility, the number of permitted livestock  
28 waste control facilities, the number of livestock operations

1 inspected, the size of the livestock waste control facilities, the  
2 results of water quality monitoring programs, and other elements  
3 relating to carrying out the act. The Appropriations Committee of  
4 the Legislature shall review the report in its analysis of  
5 executive programs in order to verify that the revenue generated  
6 from fees was used solely to offset appropriate and reasonable  
7 costs associated with carrying out the act.

8 (4) It is the intent of the Legislature to appropriate  
9 one hundred fifty thousand dollars annually to the department to  
10 enhance water quality monitoring programs.

11 Sec. 4. Original sections 54-2406 to 54-2408, Revised  
12 Statutes Supplement, 2002, are repealed.